

2012
Town Code Chapter 283
Special Events & Parades
(Revised as of Town Board Meeting 10/25/11)

§283-1. Definitions.

Unless otherwise expressly stated, the following terms shall, for the purposes of this chapter, have the meanings set forth below:

CHARITABLE ORGANIZATION -- An organization as defined in New York State Executive Law §171-a, including but not limited to not-for-profit corporations. Such charitable organizations shall be recognized as exempt from federal taxation under IRC 501(c)(3) and duly registered with the Charities Bureau of the Attorney General of the State of New York, and shall provide services or funds that benefit residents of the Town of Southampton.

CHIEF FIRE MARSHAL -- The Chief Fire Marshal of the Town of Southampton, or designee.

CHIEF OF POLICE -- The Chief of Police of the Town of Southampton, or designee.

EXPRESSIVE ACTIVITY -- Any assembly or similar gathering held for the purpose of exercising free speech activity protected by either the First Amendment to the United States Constitution or Article I, Section 8 of the New York State Constitution, which shall include conduct, the sole or principal object of which is the expression, dissemination or communication of opinion, views, or ideas, and for which no fee or donation is charged or required as a condition of participation in or attendance at such assembly. It includes, by way of illustration and without limitation, press conferences, speeches, protests, and demonstrations.

PARADE -- walk, run, march, or similar gathering (including, but not limited to, marathon or bicycle race), regardless if any fee or donation is charged or required as a condition of participation in or attendance at, where the activity on any Town highway, public street, right-of-way, sidewalk or in any other public place is impacted in a manner which disrupts the normal or usual traffic patterns, regulations or controls as determined by the Chief of Police.

PARADE PERMIT -- a permit for a parade issued under this Chapter.

PERSON -- Any individual, firm, partnership, association, corporation, company or organization of any kind, including a charitable, religious, membership, hospital or not-for-profit corporation.

PUBLIC SAFETY COMMISSION -- a commission consisting of five (5) members. The Town Board shall appoint members of the Public Safety Commission and their terms by resolution, as provided for in Town Code Chapter 19. The duties of this Commission shall include holding public hearings to consider appeals based upon the denial of a permit application under this chapter. In addition, the Public Safety

Commission shall, at a minimum of once per year, review all of the special events and recommend changes to policies, procedures and to the Special Events Ordinance.

SPECIAL EVENT -- Any social occasion or activity occurring on public or private property, having more than 100 persons in attendance, open to the public, conducted outdoors, with or without an admission or invitation fee, a sponsorship, or requested donation and held on a one-time or occasional basis, including, but not limited to, carnivals, circuses, fairs, bazaars and outdoor shows, horse shows or exhibitions, and concerts. A special event shall include any social occasion or activity occurring on public or private property, that is open to the public, conducted outdoors, with or without an admission or invitation fee, a sponsorship, or requested donation, held on a one-time or occasional basis, regardless of the number of people in attendance, if said social occasion or activity is advertised in advance in any media, including but not limited to, a newspaper, magazine, flyer, handbill, mailed circular, bulletin board, sign, mass email, or website. Exemptions are as provided for in §283-2A(3) below.

SPECIAL EVENT PERMIT -- a permit for a special event issued under this Chapter.

TOWN -- The Town of Southampton.

TOWN BOARD -- The Town Board of the Town of Southampton.

TOWN CLERK -- The Town Clerk of the Town of Southampton, or designee.

YARD SALE -- The display and sale to the public of previously owned or used personal property from a residential property that is owned or controlled by the person holding the sale. The term "yard sale" does not include the mere incidental sale of one or two items of personal property when such sale is not part of a general sale of a number of items of personal property. For purposes of this Chapter, "yard sale" includes, but is not limited to, garage sales, lawn sales, attic sales, tag sales, and rummage sales.

§283-2. Licensing.

A. Written permit required.

(1) No owner, lessee or any other person claiming any right or interest in property within the Town of Southampton shall cause, permit or allow any such property to be used for a special event, as defined by §283-1, over the duration of the event, unless, pursuant to an application therefor (as provided in Subsections B(1) and C(1) below), a written special event permit has been issued by the Chief Fire Marshal.

(2) No person shall organize or conduct any parade, as defined by §283-1, upon any Town highway, public street, right-of-way, sidewalk or in any other public place in the Town unless, pursuant to an application therefor (as provided in Subsections B(2) and C(2) below), a written parade permit has been issued by the Chief of Police.

(3) Exemptions. The following activities are exempt from the written permit requirement above:

- (a) events sponsored and conducted entirely by the Town;
- (b) regular sporting events or tournaments held at a facility intended for that purpose;
- (c) a wedding of a property owner, a member of the property owner's family, or a tenant legally occupying the property pursuant to the Certificate of Occupancy and/or a permit issued under Chapter 270 of the Town Code;
- (d) a funeral of a property owner, a member of the property owner's family, or a tenant legally occupying the property pursuant to the Certificate of Occupancy and/or a permit issued under Chapter 270 of the Town Code;
- (e) a family reunion, graduation party, or a similar family assemblage limited to invited guests in reasonable number of a property owner, a member of the property owner's family, or a tenant legally occupying the property pursuant to the Certificate of Occupancy and/or a permit issued under Chapter 270 of the Town Code;
- (f) any student assemblage at a school licensed to operate by the State of New York and chartered by the New York State Board of Regents.
- (g) an event for the purpose of Expressive Activity, as defined by §283-1, provided that the organizers thereof give written notice to the Office of the Town Clerk at least forty-eight (48) hours prior to such event if more than fifty (50) persons are expected to attend. Such written notice shall contain: the name, address, and contact information of the person or organization seeking to conduct the event; the location, date, and time of the event; the route to be traveled, if applicable; and the approximate number of persons who will be attending or participating in the event. The Town may impose reasonable time, place and manner restrictions on said events whether or not said activities are governed by the permit requirements set forth in this Chapter.
- (h) a yard sale, as defined by §283-1, if all of the following requirements are met:
 - (i) the yard sale is carried on wholly within the property line upon which a dwelling unit is located.
 - (ii) no new merchandise is offered for sale nor is merchandise from other sources brought in and offered for sale, including but not limited to, a consignment arrangement.
 - (iii) the yard sale operates for no more than three consecutive days on a single property.
 - (iv) the yard sale is limited to no more than 12 days within a calendar year, with no more than 6 days between Memorial Day and Labor Day, on a single property.

- (v) the yard sale and related activities are limited to the hours between 7:00 a.m. and 6:00 p.m.
- (vi) signs for the yard sale comply with the regulations as designated in Town Code Chapter 330, Article XXII.

(i) although not required to get a Special Event Permit, an event organizer of an event exempted pursuant to §283-2(A)(3) above is required to comply with general regulations governing public health and safety.

B. Application time frames.

(1) Mandatory time frames. Applications for special event permits shall be on the form available from the office of the Town Clerk, shall contain all of the required information and material, and be filed with the office of the Town Clerk at least **90 days prior to the date** the proposed special event will begin.

(2) Applications for a permit authorizing a parade within the Town shall be on the form available from the office of the Town Clerk, shall contain all of the required information and material, and be filed with the office of the Town Clerk at least 90 days prior to the date of the proposed parade.

C. Information and material to be submitted with completed application.

(1) As set forth therein, all applications for a special event permit shall include information and materials regarding: the identity of the applicant, the nature of the event, the location of the property and any restrictions on the use thereof, proposed and existing structures, disposal of refuse, sanitary waste and sewage, water, parking, pedestrian and vehicular access, sound, music, lighting, security, fire protection, medical and handicap facilities, tents, signs, generators, inspection, charitable events, use of Town facilities, including alcoholic consumption thereon, and any additional information the Town deems relevant, all as may be amended or modified from time to time.

(2) As set forth therein, all applications for a parade permit shall include information and materials regarding: the identity of the applicant, the nature of the parade, the specific proposed site or route including a map and written narrative of the route, and any additional information the Town deems relevant, all as may be amended or modified from time to time.

D. Rejection by Town Clerk. The Town Clerk shall have the authority to reject any application that the Town Clerk finds incomplete.

§283-3. Conditions for granting permit.

A. Liability insurance. Prior to the issuance of a special event permit or a parade permit and subject to review by the Town Attorney's Office, the applicant shall furnish the Town with a comprehensive liability insurance policy, insuring the applicant and/or property owner against liability for damage to persons or property, with limits as established by resolution of the Town Board, which policy shall name the Town as an additional insured and shall not be cancelable without at least 30 days' prior written notice to the Town. Additional comprehensive liability insurance policies, naming the Town as an additional insured, may be required.

B. Cost reimbursement. Where the expected number of persons or the duration of the special event or parade may impact the health, safety and welfare of the public, as a condition to granting the special event or parade permit, the Chief Fire Marshal and/or Chief of Police may require the applicant to reimburse the Town for the costs of increased police protection, public safety oversight, and public works facilitation, including any additional equipment, as may be deemed necessary by the Chief Fire Marshal and/or Chief of Police to adequately and safely control and protect the persons attending the event, the event area and traffic in and around the event area. Such costs shall include all necessary staffing and shall be provided to the applicant prior to the issuance of the permit. This section may not apply to any special event or parade held on public property, open to the public that is free of charge, as determined by resolution of the Town Board. A request for a cost reimbursement waiver shall be made in writing by the applicant to the Town Board and filed with the office of the Town Clerk upon receipt of the costs from the Chief Fire Marshal and/or Chief of Police.

C. Security instrument. The Chief Fire Marshal and/or Chief of Police may require the applicant to provide a letter of credit, bond or other suitable security instrument to secure compliance with conditions in the special event or parade permit and to ensure adequate cleanup of the property after the event. No special event or parade permit shall be issued until the security has been provided to the Town Clerk. If the applicant fails to honor the permit conditions or to adequately clean up the property following the event, the Town may use such portion of the security as is required to remedy the situation.

D. Permit available on property. The special event or parade permit issued hereunder shall be kept on the property or with the event organizer during the event and shall be presented for inspection by any enforcement officer or other duly authorized official or employee of the Town of Southampton upon request of such official or employee.

E. Compliance with minimum zoning setbacks. Where concerns exist regarding health, safety and welfare, the Chief Fire Marshal may require the special event, including any temporary structures or equipment erected in connection therewith, to comply with all applicable minimum zoning setbacks pursuant to Chapter 330 of the Town Code of the Town of Southampton. The Town may also, in its discretion, require a buffer zone at a distance greater than the minimum zoning setbacks.

F. Additional requirements. The Town may condition the benefit conferred by a special event or parade permit upon such other additional requirements it deems necessary to ensure compliance with this chapter and for the general protection of the health, safety and welfare of persons and property in the Town.

G. Verification of payment. An applicant that is not a charitable organization shall have 90 days after the date of the event to submit verification, in the form of a cancelled check, to the Town Clerk, or such longer period as may be approved by said Clerk, that demonstrates that the proceeds payable to the charitable organization listed on the application have in fact been paid.

H. Notification of Adjoining Property Owners in Residential Zoning Districts. Upon filing an application for a special event, if the property which is subject of the application is within a residential zoning district, the Chief Fire Marshal may require

the applicant to mail, by certified mail, return receipt requested, written notice that a special event application has been filed with the Town, to every property owner, as shown on the current Town of Southampton assessment rolls, of parcels abutting and directly opposite (by extension of lot lines through a street or right-of-way) of the property which is the subject of the application. Said notice shall include the date, time, and location of the proposed special event, and proof of mailing shall be submitted to the Chief Fire Marshal in the form of an affidavit with postal receipts annexed in order to constitute a complete application.

§283-4. Review of application; issuance or denial, nontransferability and terms and conditions of permit.

A. Review of application. All applications for a special event permit shall be reviewed by the Chief of Police, the Chief Fire Marshal and the Town Planning and Development Administrator. All applications for a parade permit shall be reviewed by the Chief of Police. Authorization of the Town Board shall be required if any Town highway or street is to be closed for a parade. The Chief Fire Marshal or Chief of Police may request an advisory report from the Planning Board, the Board of Trustees of the Freeholders and Commonalty of the Town of Southampton or from any other Town department or advisory board whose expertise and evaluation may be appropriate.

B. Issuance of permit. The Chief Fire Marshal or Chief of Police shall approve or deny a permit application within 30 days from the submission of a complete application, and shall file a copy of the permit or notice of denial with the office of Town Clerk. In determining whether or not to issue a special event or parade permit, the Chief Fire Marshal or Chief of Police shall consider the information provided in the permit application together with all other available information, including but not limited to those factors illustrated below:

(1) The size of the property in relation to the number of persons expected to attend the gathering.

(2) The sufficiency of arrangements made by the applicant to control traffic, parking, noise, lighting and refuse, including the impact of the event on the safe and orderly movement of traffic within and contiguous to the event, and the adequacy of emergency plans, including but not limited to a first aid plan and a fire safety plan.

(3) Possible conflicts with other events and seasonal demands which may overtax or cause an undue burden on Town services. For a parade, it shall be considered if the parade occurs within thirty (30) calendar days of another parade during the period of Memorial Day to Labor Day.

(4) Impact of the special event on the general health, safety and welfare of the Town.

(5) Verification that there are no outstanding violations on the property at which the special event will be held or any outstanding or unsatisfied conditions imposed by the Planning Board or Zoning Board of Appeals, or any other Town agency or department on such property or any other property owned or leased by applicant.

(6) The accuracy and completeness of the information contained in the application.

(7) Verification that there are no restrictions imposed on the property that would preclude or otherwise limit such uses or activities as proposed in the special event application, including the following:

- (a) Requirements and conditions related to a subdivision, site plan or special exception approval by the Planning Board.
- (b) Requirements and conditions related to an action of the Town Board, Board of Trustees, Zoning Board of Appeals or Conservation Board, pursuant to the Town Code.
- (c) Requirements or restrictions contained in any covenants, easements, indentures or other such protective legal instruments.

(8) The frequency of the special event and whether it constitutes a use of the property compatible with its character or that of the surrounding area.

(9) If the permit application was submitted to the Town Clerk within the required time frame as specified in §283-2B.

C. Reasons for denial of a permit. A permit application may be denied by the Chief Fire Marshal or Chief of Police in relation to any of the factors illustrated above, as well as any reason illustrated below:

(1) It is determined that there are inadequate Town resources available to ensure public health, safety, and welfare at the event.

(2) The event will disturb the public peace and good order of the Town or adversely affect the use and enjoyment of adjoining properties or that the conduct of the event will not be consistent with or will jeopardize the health, safety, or welfare of neighboring residents and/or the Town at large.

(3) The event has been subject to a violation or has had any adverse impacts on the surrounding property in the Town within the last three years and a mitigation plan has not been approved.

(4) The event does not provide for sufficient services or facilities (including, but not limited to parking and first aid or emergency medical services), that are reasonably necessary to ensure that the event will be conducted with due regard for public health and the safety of participants and/or attendees.

(5) The event may create a high probability of disorderly conduct likely to endanger public safety or to result in significant property damage.

(6) There are materially false statements or omitted relevant information in the application.

(7) The applicant has failed to conduct a previously permitted event in accordance with the law or the terms of a permit, or both.

(8) The applicant has not obtained the approval of any other Town or public agency within whose jurisdiction the event or portion thereof will occur.

D. Site capacity. If permission to hold a special event is granted, the permit shall set forth the maximum number of persons permitted to attend the event. The Chief Fire Marshal, in determining the maximum limit, shall take into consideration the capacity of the site, the facilities at the site and the availability of public highway and other means of transportation to and from the site. The applicant shall limit all ticket sales or invitations to such maximum number and shall include such limitations in all advertising.

E. Nontransferable. A special event or parade permit is not transferable and shall expire at the designated time for the close of the event for which it is issued.

F. Terms and conditions of permit. The issuance of a permit pursuant to this chapter shall be deemed an approval of the application and shall require the applicant to undertake all actions proposed in the application for the control of traffic, parking, noise, lighting, refuse and the like. The special event or parade shall be subject to any other terms or conditions imposed in the permit, or in any permit obtained from other applicable Town departments. All parades shall take place only on the date(s) and upon the street(s) or route as specified in the permit.

G. Privilege. The granting of a special event or parade permit is a privilege and not a right and may be denied in the event applicant fails to comply with any applicable provision of this chapter or for any other reason not prohibited by law.

§283-5. Application fees.

The application for a permit shall be accompanied by an application fee or a late application fee in amount(s) established by resolution of the Town Board from time to time and paid by applicant to the Town Clerk. The Town Clerk shall deposit application fees and late application fees into the general fund. Any contribution to the Town, made part of an application's approval, shall be accepted by the Town Clerk and deposited into a designated fund. Application fees may be waived at any time by and at the discretion of the Town Board.

§283-6. Prohibited and restricted special events.

A. Prohibited events. No permit shall be issued authorizing a special event nor shall any such event be held within the Town:

(1) Where such event is largely for private profit.

(2) Where the principal purpose is to advertise any product, goods, wares or merchandise, except for farmers' markets engaged in the sale of local produce, baked goods and other local food products.

(3) Where the event consists primarily of the outdoor sale of goods or services, such as a crafts fair, open-air bazaar, flea market or similar event, unless the premises on which the special event takes place is owned by a municipality or by a duly qualified charitable organization or not-for-profit corporation organized and existing under the laws of New York State or another state.

(4) Where the property is the subject of any outstanding violations or any outstanding unsatisfied conditions set forth in any Town or other governmental approvals, including any conditions related to the Planning Board, Zoning Board of Appeals or Conservation Board.

(5) Where any structure on the property does not have a valid certificate of occupancy and/or a certificate of compliance, if applicable.

(6) Where the proposed event includes carnival rides on a lot in a residential zoning district, unless the parcel is in municipal ownership, or is immediately adjacent to a state or county road or to property owned by the Long Island Rail Road.

(7) Where exterior lighting at the event uses search lights, strobe lights, laser lights or revolving lights.

(8) Where such event does not provide a benefit to one or more local charitable organizations.

B. Restricted special events. The issuance of special event permits in the following zoning districts shall be restricted as follows, unless the parcel is split-zoned, in which case the requirements as stated under §283-6B(2) shall apply.

(1) Residential zoning districts. No more than two special event permits may be issued per calendar year for an individual property that is within a residential zoning district.

(2) All other zoning districts.

(a) Special events shall be limited to three per calendar year, only one of which may be held at night.

(3) Those properties owned entirely by educational institutions (chartered by the New York State Board of Regents and/or licensed by the New York State Department of Social Services); museums; emergency medical service organizations; fire departments or fire districts; or non-profit civic, fraternal, historical (chartered by the New York State Board of Regents), veteran or patriotic organizations are exempt from the restrictions contained in this section.

§283-7. Additional pre- and post-event obligations.

A. Tents. After the permit is issued, no temporary structures, including tents, shall be erected more than **five (5) days** prior to the date of the permitted event and all such structures shall be removed within **three (3) days** following the termination of the permitted event, **unless otherwise authorized by the Chief Fire Marshal**. In no event shall any such structure or tent be used at any time for any purpose other than at the time and for the purpose of the permitted event. Any violation of such agreement shall be deemed a violation of this chapter by the owner, lessee or other applicant.

B. Use of Town facilities.

(1) Any special event proposed to be held in a Town building or on Town grounds, including parks and beaches, shall require an additional application for a "facility use permit" pursuant to Town Code §111-3D. **If and when both a facility use permit and a special event permit are required, the validity of the facility use permit is contingent upon issuance of the special event permit.**

(2) The proposed use of intoxicating beverages for any special event occurring on Town property requires approval pursuant to Town Code §111-3D(10).

C. Signs.

(1) For the purposes of this section the term "sign" shall have the meaning ascribed to it in **Article XXII** of this Code. The type, size, number, location and other particulars of any such sign shall be disclosed and subject to approval of the Chief Fire Marshal and/or Chief of Police. **All signs which obstruct visibility or create a hazard to traffic are prohibited. Any sign improperly installed or erected without prior approval may be removed and disposed of without any notification to the applicant.**

(2) If any type of sign is to be displayed on or across a county or state road, the applicant shall include the size, number, location and other particulars of the sign or banner and the dates that it will be displayed and submit approvals from the appropriate county and state agencies.

(3) All signs shall be erected no more than 10 days prior and must be removed within **three (3) days** after the proposed event.

D. Animals. If the event proposes to involve animals, the approximate number and types of animals, the number and types of vehicles used to transport and/or house the animals, the storage and provisions for disposal of all animal wastes and if the applicant has obtained a permit as required by Town Code §150-9.

§283-8. Amendment, Modification, rescission, or termination of permit.

A. Once a special event or parade permit has been issued, any proposed amendment or modification to the event application shall be filed with the Town Clerk at least 15 days prior to the event if any of the conditions have changed. Such changes may include, but are not limited to: the date of the event, the location or route of the event, the number of attendees, or the addition of tents, alcohol, or fireworks.

(1) All changes in conditions necessitating the amendment will be accompanied by the appropriate certificates or permits.

(2) The Chief Fire Marshal and/or Chief of Police shall review the proposed amendment and shall have the discretion to rescind or modify the permit due to changed conditions.

B. If, after a special event or parade permit is issued, the Chief Fire Marshal and/or Chief of Police determine that any of the representations and/or statements contained in the application or any of the conditions or requirements of the permit or this chapter have not been met, the Chief Fire Marshal and/or Chief of Police may immediately rescind or modify such permit or terminate such event.

C. If any conditions are not met at the special event or parade, the Chief of Police or Chief Fire Marshal may terminate the event or may suspend the event until such conditions are met and may authorize their personnel to take all necessary steps to effectuate his determinations.

D. If conditions exist that endanger the health, safety or welfare of those in attendance, the Chief of Police or Chief Fire Marshal may terminate the event or may suspend the event until such danger is corrected and authorize his personnel to take all necessary steps to effectuate their determinations.

E. In the event that a special event or parade permit is rescinded prior to the scheduled event date, the applicant may appeal such determination pursuant to §283-9 below.

§283-9. Appeals from Denial of an Application or Rescission of a Permit.

A. If the Chief Fire Marshal or Chief of Police denies an application for a special event or parade permit or rescinds a permit, written notice of such denial or rescission, and the reason or reasons for such determination, shall be mailed by the Chief Fire Marshal or Chief of Police by certified mail, return receipt requested, to the applicant at the address provided in the application. A copy of the notice of denial or rescission shall be filed with the office of Town Clerk and forwarded to all involved Town departments.

B. The denial of a permit application or the rescission of a permit may be appealed to the Public Safety Commission pursuant to this chapter and Town Code Chapter 19. All requests for an appeal hearing shall be made in writing and shall be filed with the Town Clerk within 10 days from the date of receipt of the written denial or rescission notification. Such request for an appeal shall set forth the grounds for the appeal, and shall be accompanied by the Appeal Fee in amount(s) established by resolution of the Town Board, which may be amended from time to time.

C. The Public Safety Commission shall conduct a public hearing or hearings with respect to any appeal. The Public Safety Commission shall fix a time and place for such hearing and shall provide for the giving of notice at least 10 days prior to the date of the hearing as follows:

(a) By publishing a notice in the official newspaper.

(b) By requiring the applicant to erect a white-and-black-lettering sign or signs measuring not less than two feet long and one foot wide, which shall be prominently displayed on the premises facing each public street on which the property abuts, giving notice that an application for a special event permit is pending and the date, time and place where the public hearing will be held. The sign shall not be set back more than 10 feet from the street line and shall not be less than two feet nor more than six feet above the grade at the street line. The sign shall be made of durable material and shall be furnished by the Town Clerk. It shall be displayed for a period of not less than 10 days immediately preceding the public hearing date. No additional posting shall be required for any adjournment date. The applicant shall file an affidavit stating that there has been compliance with the provisions of this section.

(c) If the land involved in an application is within 500 feet of the boundary

of any other municipality, notice of the public hearing shall also be mailed to the municipal clerk of such other municipality by the applicant.

(d) By requiring the applicant to mail written notice of the date, time and place of the hearing, together with a copy of the application, by certified mail, return receipt requested, to every property owner, as shown on the current Town of Southampton assessment rolls, of parcels abutting and directly opposite (by extension of lot lines through a street or right-of-way) of the property which is the subject of the application, proof of which shall be submitted to the Public Safety Commission on or before the commencement of the public hearing in the form of an affidavit with postal receipts annexed to it confirming mailing of the notices at least 10 days prior to the hearing date.

D. At the public hearing, the Public Safety Commission shall give the appealing party and any other interested party a reasonable opportunity to be heard, in order to show cause why the determination of the Chief Fire Marshal or Chief of Police should not be upheld. The applicant shall provide any relevant information in response to that set forth in the written notice of denial or rescission. A written report and/or testimony from the Chief Fire Marshal or Chief of Police, detailing the reason or reasons for denial or rescission, shall be made part of the public hearing's record.

E. In determining the appeal, the Public Safety Commission shall consider all of the information provided at the hearing with all other available information, including but not limited to those factors illustrated below:

- (1) The size and type of event;
- (2) The duration of the event;
- (3) The potential impacts on Town resources, the public health, safety, and welfare, the surrounding community and the Town as a whole, noise, traffic, aesthetics, and the character of the area.
- (4) The applicant's written offer to provide a benefit to one or more local charitable organizations.
- (5) The sufficiency of services or facilities (including but not limited to a parking plan, a first aid plan, and a fire safety plan), that are reasonably necessary to ensure that the event will be conducted with due regard for public health and the safety of participants and/or attendees.

F. The Public Safety Commission may sustain the determination of the Chief Fire Marshal or Chief of Police to deny or rescind a permit, or may reverse the determination, with or without additional conditions. A resolution of a majority vote of the Public Safety Commission is required for any such action. The Public Safety Commission shall render its findings in writing, no later than 10 days from the close of the public hearing. The Public Safety Commission shall notify the applicant of its determination by certified mail, return receipt requested, to the address provided in the application, within 5 days after such determination. A copy of the determination shall be filed with the office of Town Clerk and forwarded to all involved Town departments.

G. The decision of the Public Safety Commission shall be final and shall constitute the

exhaustion of the applicant's administrative remedy.

§283-10. Penalties for offenses.

A. Any person who shall cause, permit or allow property to be used for a special event without having a written special event permit in accordance with the provisions of this chapter shall be guilty of a violation of this chapter. Any person who shall organize or conduct any parade upon any Town highway, public street, right-of-way, sidewalk or in any other public place in the Town without having a written parade permit in accordance with the provisions of this chapter shall be guilty of a violation of this chapter.

B. A violation of any of the provisions of this chapter or of Town conditions, approvals or restrictions issued hereunder shall be a misdemeanor and shall be punishable by imprisonment not to exceed one year and/or a fine of not more than \$2,000; for a second offense within one year, or any third or more offenses at any time, by imprisonment not to exceed one year and/or a fine of not less than \$2,500 nor more than \$10,000.

C. A separate offense against this chapter shall be deemed committed on each day during or on which a violation occurred or continues. A separate penalty may be imposed for each separate offense.

D. Cost Recovery For Unlawful Event. Whenever a special event or parade is conducted without a permit when one is required, or an event is conducted in violation of the terms of an issued permit, the applicant shall be responsible for all Town costs incurred. The Chief of Police and/or Chief Fire Marshal shall charge and bill the applicant for personnel and equipment in any public safety response caused by or necessitated by the adverse impacts of the event, or the violation of the permit.

§283-11. Waiver and Indemnification.

A. Notwithstanding anything to the contrary set forth in this chapter, the Town Board may waive or modify any of the requirements set forth herein.

B. Applicant and property owner shall execute a written agreement as part of a permit application to indemnify and hold harmless the Town of Southampton, its officers, employees, and agents from any loss, liability, damage, or cost sustained by any person or property, to the extent any such loss, liability, damage, or cost rises from any activity associated with the special event or parade.

§283-12. Other approvals.

The provisions of this chapter are not exclusive, and applicants must have and remain subject to all other applicable permits as may be required, including but not limited to approvals for signs, banners, tents and fireworks and any further permits as may be required for animal shows, carnivals, circuses and similar events. Further, nothing contained in §330-162.1 of the Town Code shall relieve applicant from complying with all of the applicable provisions hereunder.